

Members

Rep. Peggy Welch, Chairperson
Rep. Charlie Brown
Rep. Robert Bischoff
Rep. Mary Kay Budak
Rep. Dennis Kruse
Rep. Jeff Thompson
Sen. Joseph Zakas
Sen. Allen Paul
Sen. John Waterman
Sen. William Alexa
Sen. James Lewis
Sen. Sam Smith



INTERIM STUDY COMMITTEE ON MARRIAGE AND FAMILY BUILDING INITIATIVES

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MEETING MINUTES¹

Meeting Date: October 22, 2002
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Peggy Welch, Chairperson; Rep. Charlie Brown; Rep. Robert Bischoff; Rep. Mary Kay Budak; Rep. Dennis Kruse; Rep. Jeff Thompson; Sen. Joseph Zakas; Sen. John Waterman; Sen. James Lewis; Sen. Sam Smith.

Members Absent: Sen. Allen Paul; Sen. William Alexa.

I. Call to Order:

Representative Peggy Welch, Chairperson, called the meeting to order at 10:40 A.M. Chairperson Welch asked Susan Kilty, Family and Social Services Administration (FSSA), to update the Committee on additional money that has become available for child care. Ms. Kilty indicated that the State received an additional \$14.3 million dollars for child care.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

FSSA intends to use the money to help reduce the waiting list for child care. Of the \$14.3 million, \$7 million is a carry over and \$7.3 is a one time bonus for the State. Persons no longer receiving child care because of the change in eligibility from 133% of poverty to 127% will not be impacted by the additional money. In response to a question from Chairperson Welch, Ms Kilty said she will provide the Committee with information on the number of children dropped from the program when the cuts were made.

The Chairperson informed the members that information from NCSL on divorce counseling statutes in other states was attached to the agendas. (Exhibit 1) Also, a letter from Judge Daniel F. Donahue, Committee Chair of the Domestic Relations Committee of the Indiana Judicial Conference in which the Committee endorsed the basic concept of pre-divorce counseling is attached. (Exhibit 2) The Domestic Relations Committee did want more time to review the specifics of the draft.

II. PD 3629, Pre-Divorce Counseling

PD 3629 (Exhibit 3) requires that before a divorce is granted the parents of a minor child must attend classes on the effects of divorce on children. The parents could attend either together or separately. The classes would cover the effects on the minor child and the effects on the parties to the action. The courts would issue the order for dissolution only after receiving certification that the classes had been completed. Courts could either provide the classes or contract for the classes. The parties would pay for the classes. The bill designates who may provide the classes. If there is a sworn statement that one party is the victim of domestic violence by the other party, the requirement for the classes would be waived.

There was a great deal of discussion concerning PD 3629. Two amendments were made to the draft. By consent, on page 2, line 20, following "program" the word "may" was inserted. Senator Zakas made a motion which was seconded by Representative Thompson on page 2, line 16 after "determines" to add "and makes a finding". The motion was adopted with a voice vote.

Representative Brown made a motion which was seconded by Representative Kruse to adopt the draft. The motion was adopted by a vote of 7 to 0. Representative Welch will be the author of the bill. The members indicated that while they approve the concept and the basic bill, they do want it to be noted in the minutes that changes are needed for the bill and that there are still issues to be resolved as the bill progresses.

Issues raised during the discussion include the following:

- standards for the content of the counseling, the time frame of the counseling, and qualifications of those providing the counseling need to be uniform
- definition of the subjects to be covered is important
- there is a right to free divorce, and this could impede that right
- this is a very private matter, and the state may be interfering
- will the Supreme Court need to issue uniform guidelines
- what happens if a couple cannot afford the counseling (Dr. Tim Gardner will provide the Committee with fee schedules)

III. PD 3612, Premarital Education Before Issuance of a Marriage License

PD 3612 (Exhibit 4) provides for premarital education before the issuance of a marriage license. If persons do not complete the approved premarital education, the license fee will be increased by \$60 which would be added to the \$10 and \$8 fees already charged for a

total fee of \$78. The classes would be for 12 hours, and the topics to be covered are listed in the draft. The parties would be required to pay the costs of the classes. The draft lists the persons who could conduct the classes. The additional revenue would be deposited in the Domestic Violence Prevention and Treatment Fund.

After discussion, the Chairperson withdrew PD 3612 from consideration. The issues raised include the following:

- the purpose of the additional fee is to incentivize taking the classes
- most churches are offering/requiring premarital counseling
- counseling offered by churches is not necessarily offered by the most qualified individuals
- there is research in this area, but there were questions as to how Indiana-specific the research is
- the \$60 could be more than poor people can pay
- the \$60 could be so little to people with money that the additional fee will not really be an incentive to receive counseling
- counseling works best if voluntary
- uniform standards would be important
- if churches are now offering counseling at no cost, this would force cost on people not going to churches to be married
- data on Indiana divorce rates is hard to gather and compare; the new court data collection system should make uniform data-collection and analysis easier
- maybe some age restrictions should be considered
- publicity about the need for counseling could help
- maybe a longer wait for the license would be beneficial
- counseling can be: (1) faith based, (2) offered in video, (3) offered by counselors
- standardization of course would help
- clergy are not necessarily doing counseling but often more wedding planning than counseling

IV. PD 3518 - Extension of Waiting Period for Divorce

PD 3518 (Exhibit 5) would increase from 60 to 180 days the waiting period before which a final hearing in a dissolution of marriage may be conducted if there are children of the marriage less than 17 years of age or if an objection to the dissolution is filed by either party. However, if there is an assertion of domestic violence by one party against the other party, the 60 days would be retained.

Representative Kruse made a motion which was seconded by Senator Smith to approve the bill. The bill was recommended on a vote of 8 to 0. Senator Zakas will author the bill.

During the discussion, the following issues were raised:

- there was concern that the need to assert that domestic violence was a factor would in essence create an exception to no-fault divorce
- most divorces take more than 60 days anyway
- if domestic violence were claimed, it could mean that the party claiming domestic violence would have to make two separate filings - (1) domestic violence and (2) divorce
- the claim of domestic violence could cause counter claims by the other party
- before proceeding, it might be useful to contact organizations in the State which deal with domestic violence
- if the couple is already separated, the threat of further incidents of domestic

- violence would not be that great
- the true victims of domestic violence are children

V. Resolution Urging FSSA to Seek Waivers to Obtain Grant for Marriage Enhancement

The resolution (Exhibit 6) would urge FSSA to seek waivers to obtain a grant from Temporary Assistance for Needy Families (TANF) which would allow the Indiana Family Institute to help teach marriage skills.

Senator Waterman made a motion which was seconded by Representative Kruse to approve the resolution. The motion passed 8 to 0. Representative Welch will be the author.

Representative Welch explained that she had contact with Ms. Joyce Thomas at Health and Human Services (HHS) who assured her that the money used for this grant was money set aside for these grants and was not money available for other TANF uses.

The following issues were discussed:

- HHS may be giving mixed signals as to the availability of the money
- the State needs to be positive that the money will not be available for other TANF purposes
- until we are positive, the resolution should not proceed
- there is a 2 to1 federal/state dollar match which the Indiana Family Institute is willing to raise
- there is some uncertainty as to how this coordinates with Title IV-D money, and the State should wait until we know positively how this will work (Exhibit 7)

VI. Adoption of Final Report

Senator Lewis made a motion which was seconded by Representative Bischoff to adopt the final report (Exhibit 8). The motion passed 8 to 0.

VII. Adjournment

The meeting was adjourned at 12:20 P.M.